

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TIMOTHY P. HARRIS,

Plaintiff,

v.

AMERICAN GENERAL FINANCIAL
SERVICES LLC,

Defendant.

2:10-cv-01662-GMN-LRL

O R D E R

Before the court is plaintiff's Motion to Vacate Order of Stay of Discovery (#20). On December 2, 2010, the court granted defendants' motion to Stay Discovery Pending Resolution of Its Motion to Dismiss Plaintiff's Complaint (#12). Order (#17). There the court noted that discovery had not yet commenced, nor was discovery necessary to resolve the pending motion to dismiss (#6). Plaintiff, Timothy Harris, has filed the instant Motion to Vacate (#20) on the ground that he did not consent to his case being adjudicated by a magistrate judge pursuant to 28 U.S.C. § 636(c)(1). Mot. (#20) at 1.

Mr. Harris misapprehends the scope of § 636(c)(1), which relates to proceedings leading to final adjudication of the case. Pursuant to Local Rule IB 1-3, "A magistrate judge may hear and finally determine any pretrial matter not specifically enumerated as an exception in 28 U.S.C. § 636(b)(1)(A)." The exceptions listed in § 636(b)(1)(A) include, "a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action." None of these exceptions is related to a motion to stay discovery. Magistrate judges routinely

1 hear and decide matters related to discovery, which are not final adjudications of the case.

2 Accordingly, and for cause demonstrated,

3 IT IS ORDERED that plaintiff's Motion to Vacate Order of Stay of Discovery (#20) is denied.

4 DATED this 21st day of December, 2010.

5 

6
7 **LAWRENCE R. LEAVITT**
8 **UNITED STATES MAGISTRATE JUDGE**
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26